



Attorney Docket No. 033082 M 309

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:) **CONFIRMATION NO.: 5342**
Masahiro SHIMIZU, et al.)
U.S. Serial No.: 10/573,048) Group Art Unit: UNKNOWN
Filed: March 22, 2006) Examiner: UNKNOWN

For: THERMAL PROCESSING APPARATUS

RESPONSE TO ERRONEOUS NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the Applicants, requests that the Notice of Abandonment mailed June 24, 2008 be rescinded. The Notice asserts that the above-identified patent application was abandoned for failure to file a timely reply to the Notification of Missing Requirements mailed on November 11, 2006. This is erroneous. Applicants filed a Response to Notification of Missing Requirements, with a Petition for Extension of Time for four months and the requisite fee, on May 4, 2007. For the Examiner's convenience, Applicants attach a copy of each of the filed documents:

1. Petition for Extension of Time;
2. Response to Notification of Missing Requirements;
3. A copy of the Notice of Missing Requirements;
4. Executed Declaration/Power of Attorney (4 pages);
5. English-language translation of application;

6. Second Information Disclosure Statement, PTO Form 1449 and cited documents;
7. Translation of Amendment Under Article 34 of PCT;
8. Preliminary Amendment;
9. Check to Commissioner of Patents for the extension fee of \$1,850.00; and
10. USPTO Date-Stamped Postcard.

The foregoing evidence establishes that the Notice of Abandonment was issued in error. Hence, Applicants respectfully request that the Notice of Abandonment be rescinded.

It is submitted that this application is in condition for examination on the merits and early action in that regard is solicited.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP



Michael A. Makuch – Registration No. 32,263
1130 Connecticut Avenue, NW – Suite 1130
Washington, DC 20036
Tel : 202 263 4300
Fax : 202 263 4329

Date : August 14, 2008

Attorney Docket
033082M309



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masahiro SHIMIZU, et al.
Serial No. : 10/573,048 Art Unit : To Be Assigned
Filed : March 22, 2006 Examiner : To Be Assigned
For : THERMAL PROCESSING APPARATUS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/
ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A response to the Notification of Missing Requirements mailed in the above-captioned patent application on November 8, 2006 is due by May 8, 2006 (with a four-month extension of time). In response to the Notification of Missing Requirements, Applicants submit herewith:

- * A copy of the Notice of Missing Requirements;
- * Executed Declaration/Power of Attorney (4 pages);
- * English-language translation of application (27 pages of text; 12 sheets of drawing (Figs. 1-12);
- * Second Information Disclosure Statement, PTO Form 1449 and cited documents;
- * Translation of Amendment Under Article 34 of PCT;
- * Preliminary Amendment;
- * Petition for Four-Month Extension of Time; and
- * Check for \$1,850 in payment of the following:

late declaration surcharge (\$130),
English language surcharge (\$130), and
Petition for Four-Month Extension of Time (\$1,590).

If any additional fees are due in connection with this filing, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to charge the fees to SGR Deposit Account No. 02-4300. Please credit any overpayment to SGR Deposit Account No. 02-4300.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By : 

Michael A. Makuch, Reg. 32,263
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: 202 263 4300
Facsimile : 202 263 4329

Date : May 4, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/573,048	Masahiro Shimizu	33082M309
INTERNATIONAL APPLICATION NO.		
PCT/JP04/13922		
00441	I.A. FILING DATE	PRIORITY DATE
SMITH, GAMBRELL & RUSSELL 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036	09/24/2004	09/24/2003
CONFIRMATION NO. 5342		
371 FORMALITIES LETTER		
 *OC00000021147085*		

Date Mailed: 11/08/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/22/2006
- Copy of the International Search Report filed on 03/22/2006
- Copy of IPE Report filed on 03/22/2006
- Copy of Annexes to the IPER filed on 03/22/2006
- Information Disclosure Statements filed on 03/22/2006
- Request for Immediate Examination filed on 03/22/2006
- U.S. Basic National Fees filed on 03/22/2006
- Priority Documents filed on 03/22/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$260** for a Large Entity:

- **\$130** Surcharge.
- **\$130** for English translation surcharge required.

Additionally the following defects have been observed:

- The translations of Annexes are canceled since the translations were not submitted prior to 30 months from the priority date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/573,048	PCT/JP04/13922	33082M309

FORM PCT/DO/EO/905 (371 Formalities Notice)

TRANSLATION OF AMENDMENT (July 22, 2005)

UNDER ARTICLE 34 OF PCT

-We amended claim 1 as follows-

".....

a thermoelectric converter disposed on the table and configured to at least cool the object, the thermoelectric converter being made of SiGe."